

Superfund Reuse Assessments & Reuse Investor Agreements

Proposal:

Conduct Superfund reuse assessments on all sites that are identified for the potential for infrastructure development and, where appropriate, engage developers in cleanup planning and implementation.

Purpose:

The purpose of a reuse assessment is to determine a range of suitable potential future uses for the site to inform the cleanup process and local planning efforts. A reuse assessment typically includes refining future use goals in discussion with the site owner, local government and community; conducting an analysis of the site and surrounding neighborhood to evaluate the suitability of potential future uses; integrating the reuse goals and site analysis into a reuse framework that outlines a range of potential suitable uses; and sharing with stakeholders for review and input.

A final report or presentation is produced for a reuse assessment, which typically includes: summarizing reuse goals, the site analysis, remedy considerations and recommended next steps.

As part of this process, EPA will work with property owners and developers to facilitate early developer engagement and investment in the planning and implementation of the cleanup. Reuse investor agreements, addressing potential liability concerns, will be negotiated, where appropriate.

Background:

EPA is interested in supporting reuse assessments where there is an interest in infrastructure projects. Because the purpose of a reuse assessment is to understand the reasonably anticipated future land use (RAFLU), Regions may need to identify sites where some thought has been given to the future use.

Approach:

EPA will fund the activities set forth in the Task Table below, which are subject to change depending on the individual needs of communities.

To the extent an interested developer is identified during this process, EPA will work with the developer and other stakeholders (ie property owner) to facilitate early developer investment in cleanup, maintenance (remedy protection) and infrastructure reuse. For NPL sites, EPA will offer site-specific Reuse Investor Agreements to document obligations, liabilities and responsibilities.

Task
Task 1: Work Plan and Information Gathering <ul style="list-style-type: none">• Conduct kickoff and information gathering calls with EPA site team to gather site background information, including potential stakeholders, remedy, ownership, surrounding land use considerations. Discuss site reuse support needs.• Develop draft and final work plan. <p><i>Deliverable: Work Plan</i></p>
Task 2: Site Visit

<p>Conduct a site visit and stakeholder interviews with community to better understand reuse goals and site considerations.</p> <ul style="list-style-type: none"> • Develop base map and site visit materials (including site visit itinerary and interview questions) <p><i>Deliverable: Site visit memo</i></p>
<p>Task 3: Understand Future Use Scenarios</p> <ul style="list-style-type: none"> • Work with EPA and stakeholders to develop site maps based on site features, remedy features and reuse considerations. • Research reuse options for the site. • Preliminary mapping and analysis may occur prior to site visit in order to share initial analysis with stakeholders during site visit. <p><i>Deliverable: Suitability maps</i></p>
<p>Task 4: Reuse Assessment Summary</p> <ul style="list-style-type: none"> • Develop 4-8 page reuse assessment memo or PowerPoint presentation that summarizes reuse goals and suitability identified by stakeholders and recommended next steps. • Share draft reuse assessment for review and comment. • Incorporate comments (no more than two rounds) and share final report with EPA and stakeholders. <p><i>Deliverable: Draft and Final Reuse Assessment Memo or PowerPoint</i></p>
<p>Task 5: Reuse Investor Outreach</p> <ul style="list-style-type: none"> • Publish Reuse Assessment on EPA website(s) • Publish Model Reuse Investor Agreement • Share Reuse Assessment with Real Estate Firms.

Cost:

Reuse assessments are expected to cost \$30,000 per site, but may vary depending on the following factors: size of the site, complexity of local circumstances and environmental conditions, availability of information, and accessibility of the site and relevant stakeholders.

A model Reuse Investor Agreements needs to be developed and may necessitate certain legislative and policy changes. Site-specific negotiations will require FTE investment.